

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NATIONAL RAILROAD PASSENGER
CORPORATION (AMTRAK),

Plaintiff,

v.

CIVIL NO. JKB-23-2158

.025 ACRES MORE OR LESS OF LAND,
et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff National Railroad Passenger Corporation, also known as Amtrak (“Amtrak”) filed an Emergency Request to Clerk for Writ of Assistance to Enforce Court Order Awarding Possession. (ECF No. 94.) Amtrak seeks for the Clerk to issue a Writ of Assistance with respect to 1016 North Payson Street, Baltimore, Maryland 21217. (*Id.*)

On October 25, 2024, the Court issued an Order granting Amtrak immediate possession of four properties, including 1016 North Payson St. (ECF No. 62.) The Order provided that “all tenants and occupants shall have up to 90 days from the date of this Order to remove themselves and vacate the premises” of the properties. (*Id.*) At the time of the Order, the named Defendants included “all tenants and current occupants of the property located at 1016 North Payson Street Baltimore, MD 21217.” (ECF No. 33.) Amtrak certified that it had served these Defendants by publication pursuant to Federal Rule of Civil Procedure 71.1(d)(3)(B)(i). (ECF Nos. 36, 54; *see also* ECF No. 55 (explaining that Amtrak has attempted service at the address and has posted the summons and service documents at the address).) Youman Fullard, who is apparently an occupant

of the property, was added as a Defendant by amendment on February 7, 2024, the same day that this Request was filed. (ECF No. 92.)

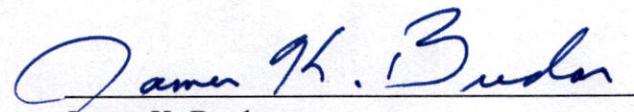
Although Mr. Fullard falls into the category of “all tenants and current occupants of the property located at 1016 North Payson Street Baltimore, MD 21217” and although Amtrak certified that it had served these Defendants by publication pursuant to Federal Rule of Civil Procedure 71.1(d)(3)(B)(i), out of an abundance of caution, the Court will direct Mr. Fullard to vacate the property by February 21, 2024 (as opposed to ordering him to vacate the property immediately). To the extent Mr. Fullard does not vacate the property by that date, he will be required to show cause why that is proper at a Show Cause Hearing. Mr. Fullard’s failure to show cause or to appear at the Hearing may result in the Court’s issuance of a Writ of Assistance upon Amtrak’s renewed application for such.

It is ORDERED that:

1. The Request (ECF No. 94) is DENIED WITHOUT PREJUDICE.
2. Youman Fullard SHALL VACATE THE PROPERTY by February 21, 2024.
3. If Mr. Fullard does not vacate the property by that date, he SHALL SHOW CAUSE WHY HE SHOULD NOT VACATE THE PROPERTY by February 21, 2024.
4. A SHOW CAUSE HEARING is set in for February 21, 2024 at 10:45 a.m. at the United States District Courthouse at 101 W. Lombard St. Baltimore, MD 21201. Mr. Fullard and counsel for Amtrak must be present.
5. Mr. Fullard is FORWARDED that a failure to show cause or to appear at the Show Cause Hearing may result in the Court’s issuance of a Writ of Assistance to compel his vacatur of the property.
6. Amtrak is DIRECTED to serve a copy of this Order upon Mr. Fullard.

DATED this 8 day of February, 2024.

BY THE COURT:



James K. Bredar
Chief Judge